



General Assembly

January Session, 2009

Bill No. 6715

LCO No. 5509

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Referred to Committee on No Committee

Introduced by:

REP. DONOVAN, 84th Dist.

SEN. WILLIAMS, 29th Dist.

***AN ACT CONCERNING CERTAIN STATE PROGRAMS AND THE
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Prior to the submission by
2 the Office of Policy and Management of the detailed comprehensive
3 application prepared pursuant to the American Recovery and
4 Reinvestment Act of 2009, P.L. 111-5, to the United States Secretary of
5 Energy for State Energy Program grant funds, but not later than May 1,
6 2009, said office shall submit such detailed comprehensive application
7 to the joint standing committees of the General Assembly having
8 cognizance of matters relating to appropriations and energy. Not later
9 than seven days after receipt of the Office of Policy and Management's
10 detailed comprehensive application, said committees shall hold a
11 subject matter public hearing on such detailed comprehensive
12 application. At such subject matter public hearing, the Office of Policy
13 and Management shall present testimony concerning the details of
14 such comprehensive application.

15 Sec. 2. (*Effective from passage*) (a) Notwithstanding title 38a of the
16 general statutes, in the case of an individual who did not have
17 continuation of group health insurance coverage, pursuant to
18 subsection (b) of section 38a-554 of the general statutes, in effect on
19 February 17, 2009, but who would be an assistance eligible individual,
20 as defined in Section 3001(a)(3) of the American Recovery and
21 Reinvestment Act of 2009, P.L. 111-5, if such continuation of coverage
22 had been in effect, such individual may elect to continue such coverage
23 provided such election is made not later than sixty days after the
24 notice required under subsection (c) of this section was provided to
25 such individual.

26 (b) Continuation of coverage elected by an individual pursuant to
27 subsection (a) of this section shall commence with the first period of
28 coverage beginning on or after February 17, 2009, and shall not extend
29 beyond the period that such continuation of coverage would have been
30 allowed pursuant to subsection (b) of section 38a-554 of the general
31 statutes if such coverage had been elected at the time such individual
32 became eligible to elect such continuation of coverage.

33 (c) Each insurer and health care center that has issued a group
34 health insurance policy subject to sections 38a-546 and 38a-554 of the
35 general statutes shall, in conjunction with their group policyholders
36 that are employers with fewer than twenty employees, provide notice
37 not later than April 18, 2009, of the election period set forth in
38 subsection (a) of this section to such individuals set forth in said
39 subsection (a).

40 (d) If an individual elects continuation of coverage pursuant to
41 subsection (a) of this section, the period beginning on the date such
42 individual became eligible for such continuation of coverage and
43 ending on the date the first period of such coverage begins on or after
44 February 17, 2009, shall be disregarded for the purposes of
45 determining whether coverage was continuous under subsection (c) of
46 section 38a-476 of the general statutes.

47 Sec. 3. Section 31-236 of the general statutes is repealed and the
48 following is substituted in lieu thereof (*Effective from passage*):

49 (a) An individual shall be ineligible for benefits:

50 (1) If the administrator finds that the individual has failed without
51 sufficient cause either to apply for available, suitable work when
52 directed so to do by the Public Employment Bureau or the
53 administrator, or to accept suitable employment when offered by the
54 Public Employment Bureau or by an employer, such ineligibility to
55 continue until such individual has returned to work and has earned at
56 least six times such individual's benefit rate. Suitable work means
57 either employment in the individual's usual occupation or field or
58 other work for which the individual is reasonably fitted, provided such
59 work is within a reasonable distance of the individual's residence. In
60 determining whether or not any work is suitable for an individual, the
61 administrator may consider the degree of risk involved to such
62 individual's health, safety and morals, such individual's physical
63 fitness and prior training and experience, such individual's skills, such
64 individual's previous wage level and such individual's length of
65 unemployment, but, notwithstanding any other provision of this
66 chapter, no work shall be deemed suitable nor shall benefits be denied
67 under this chapter to any otherwise eligible individual for refusing to
68 accept work under any of the following conditions: (A) If the position
69 offered is vacant due directly to a strike, lockout or other labor dispute;
70 (B) if the wages, hours or other conditions of work offered are
71 substantially less favorable to the individual than those prevailing for
72 similar work in the locality; (C) if, as a condition of being employed,
73 the individual would be required to join a company union or to resign
74 from or refrain from joining any bona fide labor organization; (D) if the
75 position offered is for work which commences or ends between the
76 hours of one and six o'clock in the morning if the administrator finds
77 that such work would constitute a high degree of risk to the health,
78 safety or morals of the individual, or would be beyond the physical
79 capabilities or fitness of the individual or there is no suitable

80 transportation available from the individual's home to or from the
81 individual's place of employment; or (E) if, as a condition of being
82 employed, the individual would be required to agree not to leave such
83 position if recalled by the individual's former employer;

84 (2) (A) If, in the opinion of the administrator, the individual has left
85 suitable work voluntarily and without good cause attributable to the
86 employer, until such individual has earned at least ten times such
87 individual's benefit rate, provided whenever an individual voluntarily
88 leaves part-time employment under conditions that would render the
89 individual ineligible for benefits, such individual's ineligibility shall be
90 limited as provided in subsection (b) of this section, if applicable, and
91 provided further, no individual shall be ineligible for benefits if the
92 individual leaves suitable work (i) for good cause attributable to the
93 employer, including leaving as a result of changes in conditions
94 created by the individual's employer, (ii) to care for [a seriously ill] the
95 individual's spouse, [or] child, or parent [domiciled with the
96 individual, provided such illness is documented by a licensed
97 physician] with an illness or disability, as defined in subdivision (16) of
98 this subsection, (iii) due to the discontinuance of transportation, other
99 than the individual's personally owned vehicle, used to get to and
100 from work, provided no reasonable alternative transportation is
101 available, (iv) to protect the individual, [or a child domiciled with the
102 individual] the individual's child, the individual's spouse or the
103 individual's parent from becoming or remaining a victim of domestic
104 violence, as defined in section 17b-112a, provided such individual has
105 made reasonable efforts to preserve the employment, but the
106 employer's account shall not at any time be charged with respect to
107 any voluntary leaving that falls under subparagraph (A)(iv) of this
108 subdivision, [or] (v) for a separation from employment that occurs on
109 or after July 1, 2007, to accompany a spouse who is on active duty with
110 the armed forces of the United States and is required to relocate by the
111 armed forces, but the employer's account shall not at any time be
112 charged with respect to any voluntary leaving that falls under
113 subparagraph (A)(v) of this subdivision or (vi) to accompany such

114 individual's spouse to a place from which it is impractical for such
115 individual to commute due to a change in location of the spouse's
116 employment, but the employer's account shall not be charged with
117 respect to any voluntary leaving under subparagraph (A)(vi) of this
118 subdivision; or (B) if, in the opinion of the administrator, the
119 individual has been discharged or suspended for felonious conduct,
120 conduct constituting larceny of property or service, the value of which
121 exceeds twenty-five dollars, or larceny of currency, regardless of the
122 value of such currency, wilful misconduct in the course of the
123 individual's employment, or participation in an illegal strike, as
124 determined by state or federal laws or regulations, until such
125 individual has earned at least ten times the individual's benefit rate;
126 provided an individual who (i) while on layoff from regular work,
127 accepts other employment and leaves such other employment when
128 recalled by the individual's former employer, (ii) leaves work that is
129 outside the individual's regular apprenticeable trade to return to work
130 in the individual's regular apprenticeable trade, (iii) has left work
131 solely by reason of governmental regulation or statute, or (iv) leaves
132 part-time work to accept full-time work, shall not be ineligible on
133 account of such leaving and the employer's account shall not at any
134 time be charged with respect to such separation, unless such employer
135 has elected payments in lieu of contributions;

136 (3) During any week in which the administrator finds that the
137 individual's total or partial unemployment is due to the existence of a
138 labor dispute other than a lockout at the factory, establishment or other
139 premises at which the individual is or has been employed, provided
140 the provisions of this subsection do not apply if it is shown to the
141 satisfaction of the administrator that (A) the individual is not
142 participating in or financing or directly interested in the labor dispute
143 that caused the unemployment, and (B) the individual does not belong
144 to a trade, class or organization of workers, members of which,
145 immediately before the commencement of the labor dispute, were
146 employed at the premises at which the labor dispute occurred, and are
147 participating in or financing or directly interested in the dispute; or (C)

148 the individual's unemployment is due to the existence of a lockout. A
149 lockout exists whether or not such action is to obtain for the employer
150 more advantageous terms when an employer (i) fails to provide
151 employment to its employees with whom the employer is engaged in a
152 labor dispute, either by physically closing its plant or informing its
153 employees that there will be no work until the labor dispute has
154 terminated, or (ii) makes an announcement that work will be available
155 after the expiration of the existing contract only under terms and
156 conditions that are less favorable to the employees than those current
157 immediately prior to such announcement; provided in either event the
158 recognized or certified bargaining agent shall have advised the
159 employer that the employees with whom the employer is engaged in
160 the labor dispute are ready, able and willing to continue working
161 pending the negotiation of a new contract under the terms and
162 conditions current immediately prior to such announcement;

163 (4) During any week with respect to which the individual has
164 received or is about to receive remuneration in the form of (A) wages
165 in lieu of notice or dismissal payments, including severance or
166 separation payment by an employer to an employee beyond the
167 employee's wages upon termination of the employment relationship,
168 unless the employee was required to waive or forfeit a right or claim
169 independently established by statute or common law, against the
170 employer as a condition of receiving the payment, or any payment by
171 way of compensation for loss of wages, or any other state or federal
172 unemployment benefits, except mustering out pay, terminal leave pay
173 or any allowance or compensation granted by the United States under
174 an Act of Congress to an ex-serviceperson in recognition of the ex-
175 serviceperson's former military service, or any service-connected pay
176 or compensation earned by an ex-serviceperson paid before or after
177 separation or discharge from active military service, or (B)
178 compensation for temporary disability under any workers'
179 compensation law;

180 (5) Repealed by P.A. 73-140;

181 (6) If the administrator finds that the individual has left
182 employment to attend a school, college or university as a regularly
183 enrolled student, such ineligibility to continue during such attendance;

184 (7) Repealed by P.A. 74-70, S. 2, 4;

185 (8) If the administrator finds that, having received benefits in a prior
186 benefit year, the individual has not again become employed and been
187 paid wages since the commencement of said prior benefit year in an
188 amount equal to the greater of three hundred dollars or five times the
189 individual's weekly benefit rate by an employer subject to the
190 provisions of this chapter or by an employer subject to the provisions
191 of any other state or federal unemployment compensation law;

192 (9) If the administrator finds that the individual has retired and that
193 such retirement was voluntary, until the individual has again become
194 employed and has been paid wages in an amount required as a
195 condition of eligibility as set forth in subdivision (3) of section 31-235;
196 except that the individual is not ineligible on account of such
197 retirement if the administrator finds (A) that the individual has retired
198 because (i) such individual's work has become unsuitable considering
199 such individual's physical condition and the degree of risk to such
200 individual's health and safety, and (ii) such individual has requested of
201 such individual's employer other work that is suitable, and (iii) such
202 individual's employer did not offer such individual such work, or (B)
203 that the individual has been involuntarily retired;

204 (10) Repealed by P.A. 77-426, S. 6, 19;

205 (11) Repealed by P.A. 77-426, S. 6, 19;

206 (12) Repealed by P.A. 77-426, S. 17, 19;

207 (13) If the administrator finds that, having been sentenced to a term
208 of imprisonment of thirty days or longer and having commenced
209 serving such sentence, the individual has been discharged or
210 suspended during such period of imprisonment, until such individual

211 has earned at least ten times such individual's benefit rate;

212 (14) If the administrator finds that the individual has been
213 discharged or suspended because the individual has been disqualified
214 under state or federal law from performing the work for which such
215 individual was hired as a result of a drug or alcohol testing program
216 mandated by and conducted in accordance with such law, until such
217 individual has earned at least ten times such individual's benefit rate;

218 (15) If the individual is a temporary employee of a temporary help
219 service and the individual refuses to accept suitable employment when
220 it is offered by such service upon completion of an assignment until
221 such individual has earned at least six times such individual's benefit
222 rate; and

223 (16) For purposes of subparagraph (A)(ii) of subdivision (2) of this
224 subsection, "illness or disability" means an illness or disability
225 diagnosed by a health care provider that necessitates care for the ill or
226 disabled person for a period of time longer than the employer is
227 willing to grant leave, paid or otherwise, and "health care provider"
228 means (A) a doctor of medicine or osteopathy who is authorized to
229 practice medicine or surgery by the state in which the doctor practices;
230 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor
231 authorized to practice by the state in which such person practices and
232 performs within the scope of the authorized practice; (C) an advanced
233 practice registered nurse, nurse practitioner, nurse midwife or clinical
234 social worker authorized to practice by the state in which such person
235 practices and performs within the scope of the authorized practice; (D)
236 Christian Science practitioners listed with the First Church of Christ,
237 Scientist in Boston, Massachusetts; (E) any medical practitioner from
238 whom an employer or a group health plan's benefits manager will
239 accept certification of the existence of a serious health condition to
240 substantiate a claim for benefits; (F) a medical practitioner, in a practice
241 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,
242 who practices in a country other than the United States, who is

243 licensed to practice in accordance with the laws and regulations of that
244 country; or (G) such other health care provider as the Labor
245 Commissioner approves, performing within the scope of the
246 authorized practice. For purposes of subparagraph (B) of subdivision
247 (2) of this subsection, "wilful misconduct" means deliberate
248 misconduct in wilful disregard of the employer's interest, or a single
249 knowing violation of a reasonable and uniformly enforced rule or
250 policy of the employer, when reasonably applied, provided such
251 violation is not a result of the employee's incompetence and provided
252 further, in the case of absence from work, "wilful misconduct" means
253 an employee must be absent without either good cause for the absence
254 or notice to the employer which the employee could reasonably have
255 provided under the circumstances for three separate instances within a
256 twelve-month period. Except with respect to tardiness, for purposes of
257 subparagraph (B) of subdivision (2) of this subsection, each instance in
258 which an employee is absent for one day or two consecutive days
259 without either good cause for the absence or notice to the employer
260 which the employee could reasonably have provided under the
261 circumstances constitutes a "separate instance". For purposes of
262 subdivision (15) of this subsection, "temporary help service" means any
263 person conducting a business that consists of employing individuals
264 directly for the purpose of furnishing part-time or temporary help to
265 others; and "temporary employee" means an employee assigned to
266 work for a client of a temporary help service.

267 (b) Any individual who has voluntarily left part-time employment
268 under conditions which would otherwise render him ineligible for
269 benefits pursuant to subparagraph (A) of subdivision (2) of subsection
270 (a) of this section, who has not earned ten times his benefit rate since
271 such separation and who is otherwise eligible for benefits shall be
272 eligible to receive benefits only as follows: (1) If such separation from
273 the individual's part-time employment precedes a compensable
274 separation, under the provisions of this chapter, from his full-time
275 employment, he shall be eligible to receive an amount equal to the
276 benefits attributable solely to the wages paid to him for any

277 employment during his base period other than such part-time
278 employment; or (2) if such separation from the individual's part-time
279 employment follows a compensable separation, under the provisions
280 of this chapter, from his full-time employment, he shall be eligible to
281 receive an amount equal to the lesser of the partial unemployment
282 benefits he would have received under section 31-229 but for such
283 separation from his part-time employment or the partial
284 unemployment benefits for which he would be eligible under section
285 31-229 based on any subsequent part-time employment. In no event
286 may the employer who provided such part-time employment for the
287 individual be charged for any benefits paid pursuant to the subsection.
288 For purposes of this subsection, "full-time employment" means any job
289 normally requiring thirty-five hours or more of service each week, and
290 "part-time employment" means any job normally requiring less than
291 thirty-five hours of service each week.

292 Sec. 4. (NEW) (*Effective from passage*) (a) Any payment made
293 pursuant to the American Recovery and Reinvestment Act of 2009, P.L.
294 111-5, to an individual who is an applicant for or recipient of benefits
295 or services under any state or local program financed in whole or in
296 part with state funds that provides such benefits or services based on
297 need shall not be counted as income, nor shall any such payment be
298 counted as resources for the month of receipt or the following two
299 months, for the purpose of determining the individual's or any other
300 individual's eligibility for such benefits or services or the amount of
301 such benefits or services.

302 (b) Any such payment shall not be counted as income for purposes
303 of determining the eligibility for, or the benefit level of, such
304 individual under any property tax exemption, property tax credit or
305 rental rebate program financed in whole or in part with state funds,
306 nor shall such payment be counted as income for purposes of any
307 property tax relief program that a municipality may, at its option,
308 offer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	31-236
Sec. 4	<i>from passage</i>	New section